IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE

SECOND APPEAL NO.1360 OF 2005
WITH
CIVIL APPLICATION NO.1932 OF 2005

Narayan Baburao Patil ..Appellant.
Vs.
The State Government of Maharashtra
through Sub-Divisional Officer, Karad,
Taluka : Karad, District Satara. ..Respondent.

...

Mr. D.S. Padwal for the Appellant.

CORAM : DR.D.Y.CHANDRACHUD, J.

18th November, 2005.

P.C. :

1. The Appellant was a Police Patil appointed under the Maharashtra Village Police Act, 1967 for a fixed term of five years. The terms was renewable. The allegation against the Appellant was that on 31st July, 1995 one Asha Shankar Jagtap of village Ambavane died as a result of burn injuries, but that the Appellant had failed to report the same. Subsequently, the police registered C.R. 704 of 1995 after the knowledge of death was made known. The Appellant was initially subjected to disciplinary enquiry, but the Commissioner allowed the revision preferred by the Appellant

on the ground that the enquiry ought not to have been conducted under the Civil Service Rules, but under the Village Police Act. Accordingly the enquiry was conducted and the Appellant was removed from service.

2. The Trial Court held that (i) the holding of a fresh enquiry was not permissible since that would penalize the Appellant twice over and (ii) the Appellant was acquitted in a criminal case. Both the reasons which weighed with the Trial Court were ex facie erroneous and the judgment of the Trial Court was therefore correctly interfered with by the First Appellate Court. There is no question of the Appellant being tried twice over. In the disciplinary proceedings the first proceeding was held to be contrary to law in as much as the Civil Service Rules were not applicable. Hence, there was no bar to the holding of an enquiry under the relevant provisions of the Act which was admittedly applicable. Secondly, it is well settled that the mere acquittal in a criminal case is no bar to the holding of a disciplinary proceeding. In any event, as the First Appellate Court noted, the relief of reinstatement could not have been granted having regard to the nature of appointment. In these circumstances, the Second Appeal does not raise a substantial

question of law. The Second Appeal is accordingly dismissed.

Civil Application 1932 of 2005 does not survive in view of the order passed in the Second Appeal and is accordingly disposed of.